

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

PETER A. VOGT, et al)	
PLAINTIFFS)	
v.)	CAUSE NUMBER 4:06-CV-0076-JDT-WGH
)	
THE CITY COUNCIL FOR THE CITY OF)	
NEW ALBANY, BILL SCHMIDT,)	
STEVE PRICE, LARRY KOCHERT,)	
DAN COFFEY, BEVERLY CRUMP,)	
JEFF GAHAN, DONNIE BLEVINS,)	
JACK MESSER AND KEVIN ZURSCHMIEDE)	
DEFENDANTS)	

CONSENT DECREE

WHEREAS, the statutory provisions of I.C. 36-4-6-3 (Statute) impose an affirmative duty on the Common Council for the City of New Albany (Council) to draw the boundaries of the City's legislative districts in the second year after the decennial census; and

WHEREAS, the Statute requires the Council to draw six legislative districts that are contiguous and compact and that contain, as nearly as possible, equal population; and

WHEREAS, the Council has failed to comply with the provisions of the Statute since at least 1992, resulting in six existing legislative districts that are grossly unequal in population, as defined by the 2000 decennial census and which do not comply with the requirements of the Statute and which violate the equal protection clause of the Fourteenth Amendment of the Constitution of the United States and the equal protection clause of Section 23 of the Indiana Constitution; and

WHEREAS, the Common Council for the City of New Albany is a party to a lawsuit in the U.S. District Court for the Southern District of Indiana, New Albany Division, namely, *Vogt, et al. v. City of New Albany*, and desires to achieve a settlement with Plaintiffs of all issues prior to trial on that matter; and

WHEREAS, the parties desire that an ordinance of re-districting be adopted and carried into effect prior to the municipal elections of 2011; and

WHEREAS, the parties have conferred on these issues and have reached an agreement on same:

IT IS THEREFORE, CONSIDERED AND ADJUDGED as follows:

1. After January 1, 2008, the Council shall establish an Advisory Committee on Redistricting, to be composed of the three Council members elected at-large and three individuals from a list provided by the Plaintiffs to the lawsuit.

2. The Council shall reimburse Counsel for the Plaintiffs all fees not to exceed \$5,000.00 for services rendered in behalf of the Plaintiffs and for costs not to exceed \$400.00 expended in the prosecution of this action, as determined by the Court of jurisdiction.

3. The Court shall retain jurisdiction to enforce this Order and for all other appropriate purposes.

JOHN TINDER
JUDGE, U.S. DISTRICT COURT
SOTHERN DISTRICT OF INDIANA

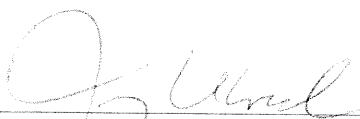
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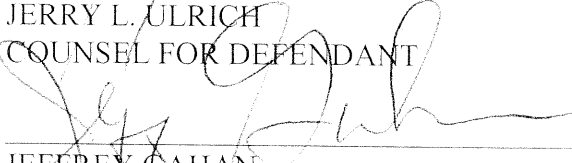

STEPHEN J. BEARDSLEY
COUNSEL FOR PLAINTIFFS


PLAINTIFFS' REPRESENTATIVE


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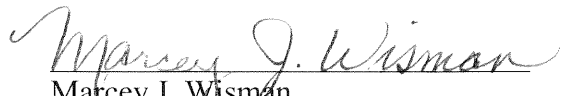

JERRY L. ULRICH
COUNSEL FOR DEFENDANT


JEFFREY GAHAN,
PRESIDENT COMMON COUNCIL OF
THE CITY OF NEW ALBANY

January 25, 2008

I, Marcey J. Wisman, City Clerk of the City of New Albany, hereby certify that the attached is a true and complete copy of the Consent Decree for Cause Number 4:06-CV-0076-0076-JDT-WGH; Peter A. Vogt, et al V. The City Council for the City of New Albany, et al., which was approved via Resolution R-08-02: Common Council of the City of new Albany Resolution Relating to the Settlement of Litigation Pending Against the Civil City of New Albany and the Common Council Thereof on the 17th day of January, 2008.

ATTEST


Marcey J. Wisman